

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JASON CUNNINGHAM, Individually and)
as Adult Natural Son and Sole Wrongful)
Death Beneficiary and Next of Kin, Affiant)
and Administrator Ad Litem and Personal)
Representative for Nancy Jane Lewellyn,)
Deceased and Estate of Nancy Jane)
Lewellyn,)

Plaintiff,)

v.)

SHELBY COUNTY, ROBERT PASCHAL,)
Individually and in his official capacity as a)
Shelby County Sheriff's Deputy, and)
MARVIN WIGGINS, Individually and in his)
official capacity as a Shelby County Sheriff's)
Deputy,)

Defendants.)

No. 2:18-cv-02185-TLP-atc

JURY DEMAND

ORDER GRANTING PARTIAL MOTION TO DISMISS

Defendant Shelby County moves to dismiss Plaintiff's failure to train and inadequate policy claims, in light of the Sixth Circuit's ruling that Defendants Wiggins and Paschal are entitled to qualified immunity. (ECF No. 128.) Defendant argues that it "could not have been deliberately indifferent by failing to train or failing to institute adequate policies" after the Sixth Circuit held that Defendants Wiggins and Paschal did not violate a clearly established right. (ECF No. 128-1 at PageID 795.) And so, Defendant asks the Court to dismiss Plaintiff's associated *Monell* claims. (*Id.*) Plaintiff submitted a one-page response, noting that he "does not object to said Motion but Plaintiff does not consent to said Motion." (ECF No. 137 at PageID

811.) As a result, and for good cause shown, the Court **GRANTS** Defendant Shelby County's motion and **DISMISSES** Plaintiff's claims for failure to train and failing to institute adequate policies.

SO ORDERED, this 4th day of August, 2022.

s/ Thomas L. Parker

THOMAS L. PARKER
UNITED STATES DISTRICT JUDGE